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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,096	12/06/2001	Steven D. Roach	LT-140	5186
1473	7590	04/21/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			VU, JIMMY T	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,096

Applicant(s)

ROACH, STEVEN D. *SR*

Examiner

Jimmy T Vu

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-35 and 40-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim (U.S. Patent number 6,026,108).

Regarding claims 27 and 40-43, Lim discloses a light emitting component comprising:

a light emitting element (20) disposed on a substrate (22) for emitting light (Figs. 1 and 15-19, col. 5, lines 56-62, col. 6, lines 32-40); and

an impedance network (50f1, C, L) disposed on the substrate (22) and coupled to the light emitting circuit (Figs. 1 and 15-20, col. 5, lines 56-62, col. 6, lines 32-40, col. 12, lines 15-33).

circuitry for establishing a current threshold of the light emitting component (Figs. 20-38).

circuitry for adjusting a current threshold of the light emitting component (Figs. 20-38).

circuitry for adjusting a slope efficiency of the light emitting component (Figs. 20-38).

circuitry for establishing a slope efficiency of the light emitting component (Figs. 20-38).

Regarding claim 28, Lim discloses the light emitting component wherein the light emitting element is a vertical cavity surface emitting laser (VCSEL) (20) (col. 5, lines 57-58, col. 6, line 40).

Regarding claim 29, Lim discloses the light emitting component wherein the impedance network includes a resistor (50Q) (Fig. 20, col. 12, lines 15-33).

Regarding claim 30, Lim discloses the light emitting component wherein the resistor is inherently adjustable.

Regarding claim 31, Lim discloses the light emitting component wherein the impedance network includes a capacitor (C) (Fig. 20, col. 12, lines 15-33).

Regarding claim 32, Lim discloses the light emitting component wherein the capacitor is inherently adjustable.

Regarding claim 33, Lim discloses the light emitting component wherein the impedance network includes an inductor (L) (Fig. 20, col. 12, lines 15-33).

Regarding claim 34, Lim discloses the light emitting component wherein the inductor is inherently adjustable.

Regarding claim 35, Lim discloses the circuit wherein the impedance network is formed, at least in part, from metal disposed on the surface of the substrate (Fig. 20).

Regarding claims 1-7, 9-26 and 44-48, the method steps are necessitated by the device structure as it is disclosed by Lim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (U.S. Patent number 6,026,108).

Regarding claims 36-38, Lim does not teach the impedance network is adjustable by the end-item user, at the wafer level, at the optical subassembly level, and at the module level. However, it would have been obvious to an ordinary skill in the art at the time of the invention was made to construct all of the methods of adjusting for impedance network as claimed, since it has been held to be the methods of engineering design choice.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1553.

Jimmy Vu

April 16, 2004

Jimmy Vu
Primary Examiner